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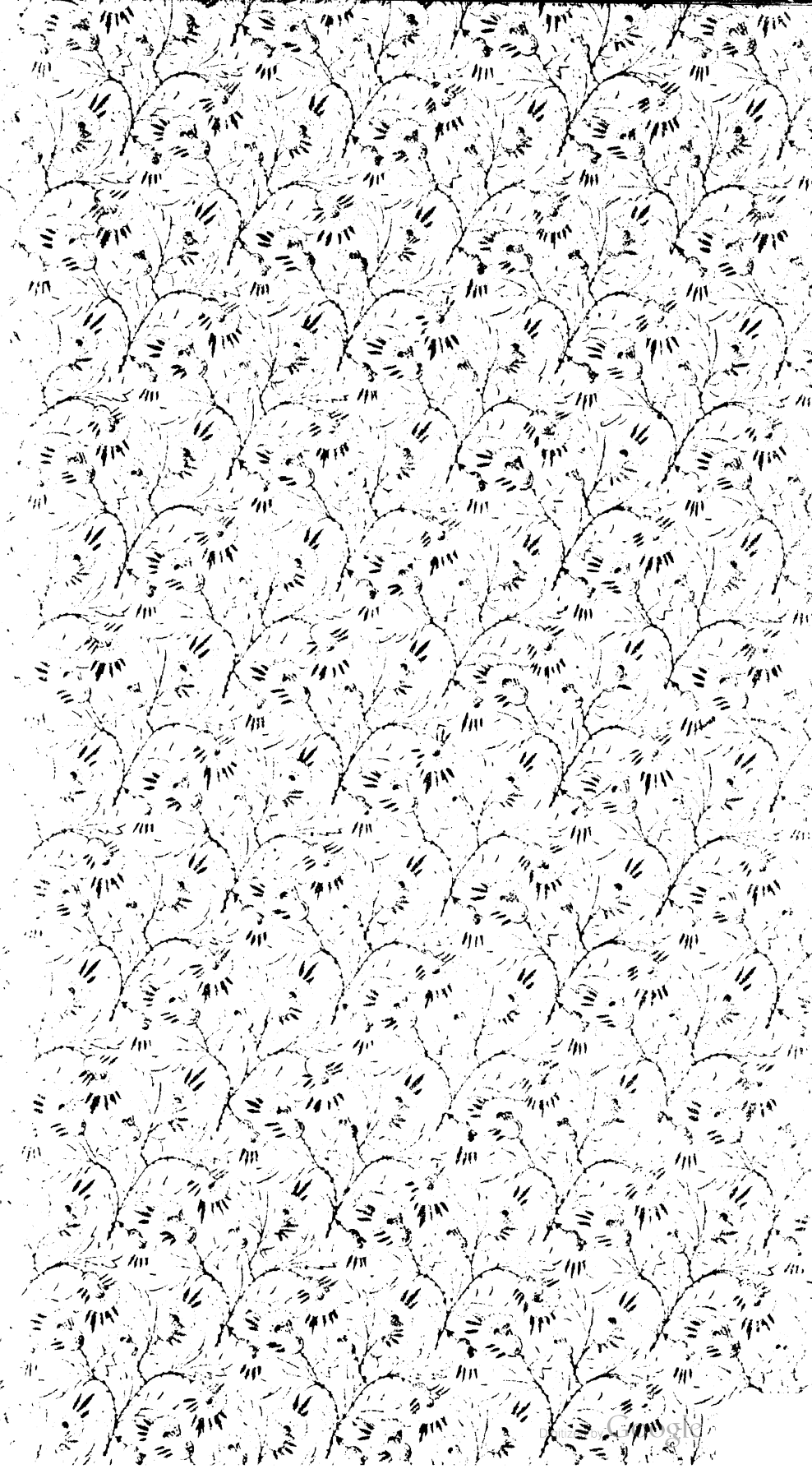
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From Miss Eliza Susan Quincy. 1839

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Aug 26 1872

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PLEA FOR HARVARD.

BY

AN ALUMNUS.

1849

A

PLEA FOR HARVARD:

SHOWING THAT

7829

“THE UNIVERSITY AT CAMBRIDGE”

WAS NOT THE NAME

ESTABLISHED FOR THIS SEMINARY BY THE CONSTITUTION OF
MASSACHUSETTS,

BUT THAT

THE NAME AUTHORIZED BY THAT INSTRUMENT

WAS

“HARVARD UNIVERSITY.”

BY AN ALUMNUS.

Joshua Quincy.

BOSTON:
WM. CROSBY & H. P. NICHOLS,
111, WASHINGTON STREET.
1849.

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A

PLEA FOR HARVARD.

A REMARKABLE change, of a character alike extraordinary and unexpected, has been introduced within the last three years in reference to Harvard University. Ever since October, 1846, all the official correspondence of the head of this institution, all its semi-annual Catalogues, all official communications to the Board of Overseers, have been carefully issued under the name of *The University at Cambridge*; and the long-known and previously approved name of *Harvard University* has been as carefully avoided. This change was made without any known vote of the Corporation, — without any sanction of the Board of Overseers, sought or suggested, — without any reasons, publicly offered, for its necessity, utility, or propriety. It was, however, of course, regarded as, in fact, the act of the Corporation, although, for some good reason, not avowed at the time to be theirs; since it was impossible to imagine that any single functionary or any minor authority of the seminary would have ventured on a change so likely to be offensive to some and so questionable in the view of

all, without the official sanction of the presiding board. At no previous time had the Fellows of that Corporation enjoyed more entirely the confidence of the community, from their known talent, integrity, and fidelity. There was no disposition in the public, or among the Alumni, to cavil at any of the measures of the government of the seminary, or to question their wisdom; although they would have been grateful, if, at the time the change was made, the motives leading to it had been communicated.

Concerning the nature of the policy there could be no question. The end proposed was, plainly, to separate, forever, the name of *Harvard* from that of *University*, — to throw it back and confine it exclusively to its Colonial association with that of *College*; in consequence of which, the University, being deprived of any *name*, would be compelled to take its designation from its locality.

The mysterious silence which was maintained for more than two years, in regard to the motives for this change, gave time and scope for much discussion, in private circles, concerning its object and usefulness. The dissatisfied, although numerous, were not disposed, however, publicly to animadvert upon a measure which they trusted might yet be explained and justified.

In due time the Triennial Catalogue made its appearance, but in a shape so questionable that its identity could scarcely be recognized. Instead of the old, simple name of *Catalogus Universitatis Harvardianæ*, — The Catalogue of Harvard University, — which that venerable publication had notoriously enjoyed for more than sixty years uninterruptedly, it now ap-

peared under the title of *Catalogus Collegii Harvardiani* SEU *Universitatis Cantabrigiensis*, — The Catalogue of Harvard College, or, of the University at Cambridge ; — this alternative form being obviously devised to express both the title which that publication had enjoyed in former times, and that which it was intended it should enjoy in future.

The oddity of this Janus-faced title having excited no inconsiderable animadversion, a continuance of the mysterious silence on the subject of the motives of this change was no longer practicable. A public declaration of the reasons which had led to the disconnection of the name of *Harvard* from that of *University*, and to the apparent intent to confine it altogether, in future, to its connection with the humbler title of *College*, was at length made ; not, indeed, where it might have been expected, in the hall of legislation and before the Board of Overseers, but in a small pamphlet, intended chiefly for the use of the immediate government and students, which, discarding the long-established and approved name affixed to similar publications, was now entitled “ A Catalogue of the Officers and Students of the University at Cambridge, for the Academical Year 1848 – 49.” Four times, during the two previous years, a like pamphlet had been issued with a like change in the name of the seminary, but never before were the motives for the alteration made manifest to the public. This manifestation appeared in the last page of the pamphlet above referred to, by way of “ Note ” to its first page, which gives the seminary the new title of *The University at Cambridge*, by which the Note maintains it ought to be called. The exact terms of this Note are annexed, marked A.

After remarking, in a slight way, that "the name of 'Harvard University' prevails extensively," the authors of the Note proceed to intimate that this appellation, as though it were a recent novelty, derives its chief sanction from "the high authority of Mr. Peirce and President Quincy, in their respective histories." As if those gentlemen took upon themselves any special responsibility in this respect, or did any thing more than adopt a name which was so "*extensive*" as to be in a manner *universal*! That the authority for the use of this name rests no way with them, it need only be stated, that the Catalogue of the Library of the seminary, published, under the special sanction of the Corporation, three years before the History of Mr. Peirce, and ten years before that of Mr. Quincy, was entitled "A Catalogue of the Library of *Harvard University* in Cambridge, Massachusetts." It is proper to add, that Mr. Peirce's History was a posthumous work, and that its title was given to it by the late John Pickering, under whose auspices it was published; a man inferior to none, among the graduates of the College now living, for love of Harvard and love of accuracy.

Notwithstanding the tendency of the tenor of this Note to mislead the public mind as to the material facts upon which the right of the seminary to take the name of "Harvard University" depended, it did not seem to be from its nature important enough, nor yet, in view of the circumstances under which it was issued, to have a sufficient degree of publicity, to justify any public comment upon its statements and objects.

The recent Annual Report of the state of the Uni-

versity for the academical year 1847-48, presented in January last, by the head of the institution, to the Board of Overseers, in conformity with the standing orders of that Board, has altered the relations of things, in this respect, altogether, and has rendered some animadversion upon this attempt to change the name of the seminary necessary and unavoidable. In a "Paper" appended to that Report, and submitted with it to the Overseers, not only is the name of "Harvard University" silently set aside, but it is assumed that *the name* given by the Constitution of the Commonwealth to Harvard College was "The University at Cambridge." That Paper is hereto subjoined, marked B.

On its general tenor it is not intended here particularly to remark. All that it states about the language used by the magniloquent Mathers, or in diplomas issued prior to the adoption of the Constitution of Massachusetts, has, obviously, nothing to do with the subject in dispute. No man ever pretended, or can pretend, that Harvard College ever had a legal right to assume the name of "University" antecedently to the Constitution of 1780. The question in controversy is, — *What name did that instrument authorize Harvard to assume?* The authors of the Paper appended to the abovementioned Report allege that *the name legally established by the Constitution of the Commonwealth for Harvard College was THE UNIVERSITY AT CAMBRIDGE.* In opposition to which, it will be the endeavour in this publication to maintain the following points: —

1. That "The University at Cambridge" was not *the name* given to this seminary by the Constitution, or intended to be given to it by its framers.

2. That "Harvard University" was *the name* which the Constitution of the Commonwealth authorized the seminary to assume, and that such was the intention of the framers of that instrument.

3. That "Harvard University" was *the name publicly and officially given to the seminary by its authorities, immediately upon the adoption of the Constitution*, — and this, under and by virtue of the provisions and intentions of that instrument, *as practically expounded by its framers themselves*.

4. That the name thus given it, in the great documents particularly intended for the public, and to which the expression of its true name was essential, it has used and maintained, without a single known interruption, ever since, until the year 1846.

These points will be, it is believed, satisfactorily demonstrated from history and unquestionable public documents.

The name given in 1638 to "the school or college" in Cambridge, which had been established in 1636, was "Harvard," with an intention, at this day altogether unquestionable, that "Harvard" should *thenceforth and forever be THE NAME* of the institution. Accordingly, when, in 1650, a charter of incorporation was granted to it by the Colonial legislature, it was declared, that the authorities constituted by that act should "*have perpetual succession and be called by the name of 'President and Fellows of HARVARD COLLEGE.'*"

This was the only *name* by which the institution could legally and with strict propriety be designated. Notwithstanding this, it obtained in the earliest

times, and continued to the period of the Convention of 1780 to be known by, *a descriptive appellation* taken from its locality ; — not only in familiar discourse, but sometimes in acts of the Colonial legislature, being referred to as “ *The College at Cambridge.*” Yet in Colonial times, this descriptive appellation, though often used, was never regarded as *the name* of the institution, and could not be ; for the seminary had a charter name, which all knew, and which no one *then* desired to supersede, or thought it possible should ever be superseded.

The institution at Cambridge, as respects the subject now under investigation, was found, therefore, by the Convention assembled in the year 1780 for the purpose of framing a Constitution for the Commonwealth, under the following circumstances. It had a *corporate name*, — *Harvard College*, — derived from its charter. It had a *descriptive appellation*, — taken from its locality, — *The College in Cambridge*. It might, with sufficient intelligibility, be designated by either form of words ; but its *name* was “ HARVARD.”

The friends of Harvard College in that Convention were desirous, not only to confirm its ancient rights and privileges, but to enlarge them, to strengthen its foundations, and to advance it from the secondary grade of a College to the rank of a University. But in carrying into effect these wishes, they were embarrassed and obstructed by the political elements of which the Convention was composed. The nature of those elements it seems proper here to state ; as the facts have been derived from members of that body who have survived to our time, and from their contemporaries. They are facts belonging to the his-

tory of Massachusetts, and are corroborated by the known public relations of men and things at the time the Constitution of the Commonwealth was framed. They show the difficulties that had to be encountered, and explain the origin of some of the provisions of the Constitution, in respect to the College, which have been the subject of cavil ; particularly that relating to the Board of Overseers, a body which, constituted as it is, has always been regarded as ill-adapted to the supervision of a literary institution. The friends of Harvard did all that the circumstances in which they were placed permitted ; they were desirous to do more, but, under those circumstances, they were thankful that they were able to effect so much.

At that time the people of Massachusetts were divided into two political parties, with one of which the popularity of John Hancock was all-prevailing and unbounded ; with the other, James Bowdoin was the prominent object of favor, and Hancock's influence was deprecated and deemed pernicious. In respect to the general politics of the State, the party of which Hancock was the head was paramount. But in the election of the members of the Convention for framing a new Constitution, a higher, a more talented, and more generally respected body of men than those usually returned to the legislature had been chosen. These were, many of them, men who for the most part abstained from all connection with political life, and were induced to become candidates for the Convention only from a consideration of the importance of the occasion and the permanent effects of its results on the future prosperity of the Commonwealth. The consequence was, that the party led by

Hancock, which possessed an unquestionable majority in the State, was, in fact, in the minority in the Convention, and, extremely to Hancock's annoyance and disappointment, James Bowdoin was chosen President of that body.

In the Hancock party were included many of the known malcontents with Harvard College,—men who had no sympathy for science or classical education, and who were ready to oppose any proposition for the benefit and advancement of that institution. On the contrary, the party of which James Bowdoin may be considered the exponent included all the active friends of that seminary, and was chiefly composed of men regarded by the opposite faction with jealousy and fear, to some of whom Hancock then gave the *sobriquet* of “The Essex Junto”; the delegates from that County being among the most talented and efficient members of the Convention. These most eminent friends of Harvard College were James Bowdoin, Oliver Wendell, John Lowell, and Ebenezer Storer, delegates from Boston, — Increase Sumner, from Roxbury, — John Adams, from Braintree, — John Pickering and Benjamin Goodhue, from Salem, — Jonathan Jackson and Theophilus Parsons, from Newburyport, — Samuel Phillips, Jr., from Andover, — George Cabot, from Beverly, — with many others.

At this time Mr. Hancock was possessed by a spirit of personal resentment towards the Corporation of the College. He had been for many years its Treasurer; he had been requested by that body to resign his office; he had disregarded their request; and in 1777, contrary to his expectations and wishes, he had been removed by the Corporation, and another

person had been appointed in his place. He was also a delinquent debtor of the College, and his neglect to settle his accounts had been repeatedly the subject of animadversion and complaint. His discontent and feelings of resentment were matters of general notoriety.

In this state of parties, the friends of Harvard College, upon consulting together, and after a reference of the subject to the Corporation, came to the conclusion, that any formal provision for enlarging the powers and privileges of the seminary, or altering or even materially modifying that supervisory relation which in Colonial times the State had always maintained, even if successful in the Convention, would in all probability, when submitted to the people, be rejected. They therefore finally came to the determination to limit their endeavours to secure for the institution its ancient powers and privileges, and, by indirectly authorizing it to take the name of "University," to prepare the way for enlarging its foundations and elevating it to the rank desired. How they effected these objects will be seen by a reference to the Fifth Chapter of the Constitution of the Commonwealth. All the parts of this instrument which have any bearing on the question now under discussion are given in the Appendix, marked C.

The course of their proceedings was as follows. They took for the title of the Fifth Chapter the ancient *descriptive appellation* of the seminary, borrowed from its locality, only changing it from "The College at Cambridge" to "The University at Cambridge." As the former had never been considered *the name* of the seminary, it could not possibly have been

anticipated that the latter would ever be understood to be thus intended ; since, as was sufficiently manifest from the body of the chapter, the corporate name still remained unchanged, — HARVARD COLLEGE.

The first section of the fifth chapter is entitled “The University,” and is expressed in the following significant terms : — “Art. I. Whereas our wise and pious ancestors, &c., laid the foundation of HARVARD COLLEGE, *in which university* many persons of great eminence have, &c., — it is declared, that THE PRESIDENT AND FELLOWS OF HARVARD COLLEGE, in their corporate capacity, and their successors, &c., shall have, &c., all the powers, &c., which they now have, &c., and the same are hereby ratified and confirmed unto them,” &c.

The second article confirms all gifts, grants, &c., according to the true intent of the donors.

In the third article, after declaring who shall be the Overseers of “HARVARD COLLEGE,” they proceed to annex a proviso, reserving to the legislature of the Commonwealth a right to make alterations in the government of “*the said university*.”

The second section of the fifth chapter has no reference to the subject now in controversy, except that it refers to the seminary, *not by its name*, but, in conformity with the title of the chapter, by its ancient *local appellation*, altered so as to express the character and rank intended to be now assigned to it as a literary institution ; the language and context being as follows : — “It shall be the duty of legislatures and magistrates, in all future periods of this Commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them ; especially the

university at Cambridge, public schools, and grammar schools in the towns," &c.*

* In a similar connection, and obviously with a like application, merely as expressive of the proper rank of the institution among other seminaries of learning, this designation is employed in the statute of June 25, 1789, referred to in the "Paper" appended to the recent Annual Report to the Overseers. This statute is entitled "An Act to provide for the Instruction of Youth, and for the Promotion of good Education," and consists of twelve sections, commencing with a preamble setting forth the duty of the legislature "to provide for the education of youth," as declared in the second section of the fifth chapter of the Constitution of the Commonwealth, entitled "The Encouragement of Literature, &c.,"—and the necessity of "a general dissemination of knowledge and virtue" in order to "the prosperity of every state and the very existence of a commonwealth." The first section provides for the employment of schoolmasters and grammar-schoolmasters in the several towns and districts, according to the number of families in each. The second empowers towns, &c., to define the limits of school districts. The third prescribes the qualifications of pupils in the grammar-schools. The fifth, the qualifications of schoolmasters. The sixth lays down the penalties for neglecting to procure and support schoolmasters as aforesaid. The seventh regulates the manner of levying and appropriating said penalties; and designates the functionaries whose duty it shall be to see that the schools are regularly attended, and to visit and inspect them. The eighth empowers parishes, &c., to raise money for the support of the schools. The ninth prescribes the qualifications of teachers of primary schools. The tenth provides that none but naturalized citizens shall be permitted to keep any school described in the Act. The eleventh prescribes the mode of recovering the fines hereby imposed, and makes it the duty of grand jurors to inquire into and present all violations of the Act. The twelfth fixes the date at which the Act is to go into operation. By the fourth section,—the only one in which the College is in any way alluded to,—it is "made the duty of the president, professors, and tutors of the University at Cambridge, preceptors and teachers of academies, and all other instructors of youth, to take diligent care, &c., to impress on the minds of children and youth committed to their care and instruction the principles of piety, justice, &c., and those other virtues which are the ornament of human society," &c. It is in reference to this solitary instance of the mention of "the University at Cambridge," thus incidentally occurring in the midst of an Act providing for the establishment of common schools, that the Paper above referred to parades the remark, that "such is *exclusively* the name given to the institution by the statute of the 25th of June, 1789, passed to carry into effect the fifth chapter of the Constitution."

Among the objects which the friends of the College intended to effect and did effect, by the language of the fifth chapter, was this :— Harvard, which had ever before been known *only as a College*, was now declared to be entitled henceforth to be known *as a University* ; and although, in all documents intended to have a legal effect, the President and Fellows were still restricted to their charter name, “ Harvard College,” yet in all documents expressive of the rank, the powers, and the most important acts of the seminary, its authorities had a right to call it “ Harvard University,” and themselves “ The President and Fellows ” or “ Corporation of Harvard University.” That such a right was conveyed and was intended to be conveyed by the Constitution of the Commonwealth is apparent from the measures immediately pursued by the authorities of the seminary ; amounting to a contemporaneous exposition of the effect of that instrument and of the intentions of its framers.

There are two public documents, in which the authorities of the seminary openly declare, in the most authentic form, *the name* by which the institution is appropriately called and to be distinguished. One is published *every year*, and is called “ The Theses at Commencement ” ; the other is published *every three years*, and is denominated “ The Triennial Catalogue of the Graduates.” The first, indeed, takes the form of a “ dedication,” or “ humble submission of their exercises,” by the graduating class, to the authorities of the State and of the University, to the clergy, and to the general patrons of literature throughout the world. But although the document has this

form, it is always issued under the direction of the authorities of the University, who always of course dictate *the name* by which the institution is to be designated. The same may be said of the Triennial Catalogue; *the name* of the seminary is all-essential to the authenticity of that document.

Now it is remarkable that neither in the apologetic "Note" appended to the Catalogue of Officers and Students for the year 1848-49, nor yet in the "Paper" appended to the Report to the Overseers for the year 1847-48, is there any allusion made to these prominent and conclusive documents; but, passing over all the intermediate evidence, taking a leap of nearly thirty years from the adoption of the Constitution, the authors of the recent innovation take their rest upon a change attempted to be made in the Diplomas by Dr. Kirkland in the year 1810. On such an extraordinary omission, where fulness and great precision might have been expected, it is not intended here to remark.

The two documents above alluded to were regarded by the authorities of the University, at the period of the adoption of the Constitution of the Commonwealth, in a very different light from that in which they seem to be viewed by the authorities of 1848. They considered those two documents, together with the Diplomas, as the places in which the public had a right to expect that *the name* which the seminary had received from and intended to assume under the new Constitution should appear; and they accordingly omitted, in respect of either, no opportunity to pass without publishing this name to the world.

The Constitution of Massachusetts was finally

adopted by the people in June, 1780. It went into operation in October, 1780, when the first legislature under it assembled. In August of that year, President Langdon resigned ; and his successor, President Willard, was installed in December, 1781.

In the Theses for the year 1780, which were the last issued under the presidency of Langdon, the name assumed by the institution was "Harvard College"; the President being addressed by the graduating class in the words, — "Honorando D. Samueli Langdon, *Collegii Harvardini* Præsidi." In the Theses of 1782, being the first issued under the presidency of Willard, the name assumed by the institution was "Harvard University"; the President being addressed by the graduating class in the words, — "Reverendo Josepho Willard, *Universitatis Harvardianæ* Præsidi." Again, in the last Triennial Catalogue issued under President Langdon, in the year 1779, the institution was styled "Harvard College," — the Catalogue being entitled "Catalogus eorum qui in *Collegio Harvardino*," &c. ; whereas in the Triennial Catalogue issued in 1782, being the first under President Willard, the name "Harvard University" was given to the seminary, and the document was entitled "Catalogus eorum qui in *Universitate Harvardiana*," &c. In conformity with this, it now appears, by the very showing of the Paper appended to the recent Annual Report to the Overseers, that the name adopted by the authorities of the University, in "the caption of the Diplomas," also, of this period, was "'Senatus *Universitatis Harvardianæ* Cantabrigiensis in Republica Massachusettensi,' with the entire omission of *Collegium Harvardianum*."

Now is it possible for any contemporaneous public declaration of the effect understood to be produced by the Constitution of the Commonwealth on the name of the seminary to be more distinct and unquestionable than that afforded by these three documents, — the Theses, the Triennial Catalogue, and the Diplomas? It is a fact unquestionable, that the name assumed by the authorities of the University for the Theses and for the Triennial Catalogue in 1782 was continued to be given to the world, as the true Constitutional name of the University, from that period, — in the former to the year 1846, and in the latter to the year 1848, — *without a single known interruption*; and that the same designation, contemporaneously adopted for the Diplomas also, according to the showing of the Paper appended to the recent Report to the Overseers, “probably prevailed for *honorary* degrees till President Kirkland’s time, [in 1810,] and has existed for *all* the degrees till the present year.”

Another fact, of much significance, should not be overlooked. Of the two alternative names which constitute the title to the Triennial Catalogue for 1848, the first, “Harvard College,” (*Collegium Harvardianum*,) *was rejected* by the authorities of the University in 1782, and the second, “The University at Cambridge,” (*Universitas Cantabrigiensis*,) *was not adopted* by them; and the name “Harvard University,” which the wise men of 1848 *rejected*, as not being the name given to the seminary by the Constitution of the Commonwealth, was the very name which the wise men of 1782 *adopted*, as the one authorized by that Constitution, and intended by its framers.

And now, in connection with these striking and

unquestionable facts, let it be borne in mind, that among the members of the Corporation of the University, during the period here referred to, were Ebenezer Storer, from 1777 to 1807, — James Bowdoin, from 1779 to 1785, — John Lowell, from 1784 to 1802, — Oliver Wendell, from 1788 to 1812, — Theophilus Parsons, from 1806 to 1812; and that *every one of these men was a member of the Convention which framed the Constitution of the Commonwealth in 1780*, and some of them took a leading part in that work. Under the auspices and authority, then, of these members of that Convention and framers of the State Constitution, the name of "Harvard University" was published to the world successively in the annual Theses of the University, in the Triennial Catalogue, and in the Diplomas, for nearly thirty years from the date of the adoption of the Constitution, without a single intermission, (so far as is known,) and the same has been thus continued (with, perhaps, occasional exceptions in the honorary degrees since 1810) until the year 1845, inclusive. More complete evidence of the meaning of the Constitution and the intention of its framers could scarcely exist, or be required.

In the apologetic "Note" appended to the Catalogue of Officers and Students for 1848 – 49, it is said that "'Harvard College' and 'The University at Cambridge' are the only names known (it is believed) to the legislation of the Commonwealth." Yet in the address of the Convention for revising the Constitution of Massachusetts in 1820 – 21, to the people of this State, accompanying the amendments proposed to be made in that instrument, is the following remarkable paragraph, entitled, —

“ HARVARD UNIVERSITY.

“ We have thought it proper to inquire into the present state of this ancient and respectable institution ; and have done this by the agency of a fully competent Committee. We have made this inquiry, because this seminary has experienced the patronage of Government from its earliest foundation, and was justly held to be worthy of appropriate Constitutional provisions by our predecessors. It appears that the powers conferred on *Harvard University* have always been exercised, and that the duties required of it have always been performed, with a sincere and ardent desire to promote the diffusion of useful knowledge, and to establish and preserve an honorable reputation in literature and morals, in this community.” *

Whether the foregoing language be in strictness that of a legislative body or not, one thing is certain, — that the Convention of 1820–21 regarded “ Harvard University ” as the then known, approved, legitimate name of the seminary to which the “ Constitutional provisions ” of their predecessors attached.

But it is said, that, at different times, and on several occasions, the President and other authorities of the seminary have called it “ The College at Cambridge,” “ The University at Cambridge,” “ Cambridge University ” or “ College,” &c. Certainly ; and without any serious objection. So long as the great, solemn, authentic documents, regularly issued at stated intervals under the express authority of the Corporation, bear the true Constitutional name of the seminary, great latitude may very properly be permitted to individual functionaries or to the Faculty of the College to issue publications, of minor importance,

* See the Journal of that Convention, p. 285.

bearing the descriptive appellations taken from its locality, and by which it is generally known.

A great deal might here be said of the inexpediency, the injustice, the ingratitude, of separating an honored name from the "University," of which, as a "College," it has been the glory for more than two hundred years ; and that for objects not avowed, and the benefit of which is not apparent. Could the framers of the Constitution possibly have conceived, that, by the use of a familiar *descriptive appellation*, they had opened an opportunity for this form of expression to be seized upon in after times to give a name to the University *from which that of Harvard should be excluded*, and that, in consequence, in the place where the name of Harvard had always been *first* and *paramount* it was thereafter to appear only as *secondary* or *not at all*, it cannot be questioned that they would have rejected the local appellation with a feeling akin to horror ; for no name was more consecrated in the affections of the people of Massachusetts, and justly so, than that of the earliest benefactor of the College. And especially would such a change have been repugnant to their feelings, when it was perceived that the University was not only thereby to be deprived of the venerated name of Harvard, but to be left, *like a beggar's foundling, with no other name than that of the parish in which it was dropped*.

Enough, it is apprehended, has now been said, to prove that the title to the Fifth Chapter of the Constitution of the Commonwealth was never regarded as **THE NAME** of the University, nor intended by its framers to exclude the connection with it of the name of Harvard ; — that, on the contrary, the

framers of the Constitution themselves intended that the institution should be called "Harvard University," whenever its authorities saw fit to adopt this name, as indicative of its rank; — that under their auspices it was adopted in 1782, and with their sanction it was continued for sixty-four years, until October, 1846, when it was changed without any avowed object and without any known authority.

Upon the point, in whom are vested the right and power to change the name of the institution at Cambridge, from that of "Harvard University," which it has so long enjoyed, it seems proper here to express an open and decided opinion; and to say that this right and power are vested, neither in the Faculty, nor in the President and Fellows of the Corporation, nor in the Board of Overseers, nor yet in all of them together, but solely and exclusively in the legislature of the Commonwealth of Massachusetts. Surely, if a child ten years of age, who has received a name at the baptismal font, cannot, of his own accord, or at the will of his parents, have his name changed without applying to the legislature, — an institution, which is peculiarly of a public nature, with whose name the gratitude of the State is identified, which was conferred by the framers of the Constitution, and of which it has had uninterrupted possession nearly seventy years, shall not be deprived of that name, whether for any or no purpose, by any less authority.

In a review of the documents which have led to the present publication, the attention of the writer has been recently drawn to an apparent discrepancy in some of them from the course of proceedings which

has been the occasion of these strictures. After the studied exclusion of the name of "Harvard University," for nearly three years, from all those official publications of which that name had formed, for more than half a century, a part of the title, — after its exclusion from the annual Theses during the same period, and at last from the Triennial Catalogue, — it appeared impossible for any man to doubt that these changes were the result of the deliberate action of the Corporation. The writer of these strictures did not, therefore, for a moment, hesitate to conclude that it was under their authority that "Harvard" was now and for ever to be separated from the name of "University"; — in other words, that "Harvard University" was now an abjured association. He deemed himself justified, therefore, in attributing this ominous change to the action or influence of that body. To his utter astonishment, he has recently perceived, that, in the Annual Report to the Overseers, in which the name of "Harvard University" is carefully avoided, and in the "Paper" subjoined to it, in which there is a labored attempt to prove that another name, and not "Harvard University," is the Constitutional name of the seminary, there is contained the reply of the Corporation to the late President's letter of resignation, in which they call themselves "*The Corporation of Harvard University*," and address him as "*President of Harvard University*"; — a discrepancy which to common minds is inexplicable. For the several Fellows of that Corporation the writer of these strictures has the most entire personal respect. If, therefore, he has committed a mistake in attributing the proceedings of the last three years in reference

to this point to their agency, he hopes it will be considered a venial error, arising solely from the impossibility of conceiving that any single or minor authority of the seminary should have taken upon itself, without their sanction, so extraordinary a responsibility.

The change of purpose, or of influence, which these discrepancies between the language of the Corporation and that of the documents and proceedings above commented on indicate, and the hopes it inspires, led the author of these strictures, at first, to resolve to withhold them altogether, — a course which would have been far more accordant with his wishes than their publication. Reflecting, however, upon the strange manner in which the facts above stated have been slighted or overlooked, and considering, that, at some future time, through ambition, pride of purpose, or project of interest, a like attempt to change the name of the University might be made, under circumstances more favorable to its success, he could not reconcile it to his sense of duty to Harvard to refrain from placing before the friends of that cherished institution the preceding facts and arguments, in a form best adapted to give them a chance never to be again overlooked or disregarded.

APPENDIX.

A. — See Page 5.

NOTE APPENDED TO THE SEMI-ANNUAL CATALOGUE FOR 1848-49.

NOTE.

"HARVARD COLLEGE" is the name given to the institution by the Charter of 1650, which still remains unaltered and in force. The legal style of the Corporation is "The President and Fellows of Harvard College," and their rights and privileges are confirmed to them under that name by the Constitution of the Commonwealth.

The chapter of the Constitution in which this is done is entitled "The University at Cambridge and Encouragement of Literature, &c.," and in its first section Harvard College is spoken of as "the said University." In the second section it is declared to be the duty of all legislatures and magistrates to cherish the interests of the University at Cambridge, which is also the name given to the institution by the Statute of 25th June, 1789, enacted to carry the second section of the fifth chapter of the Constitution into legal effect.

The name of "Harvard University" prevails extensively; more so, perhaps, than either of the other designations; and it is sanctioned by the high authority of Mr. Peirce and President Quincy in their respective histories. But "Harvard College" and "The University at Cambridge" are the only names known to the Charter, to the Constitution, and (it is believed) to the legislation of the Commonwealth.

B.— See Page 7.

PAPER SUBMITTED WITH THE ANNUAL REPORT, JAN.
11, 1849.

“ THE UNIVERSITY AT CAMBRIDGE.”

THE right of Harvard College to assume this name was, perhaps, for the first time legally established by the Constitution of the Commonwealth, in the fifth chapter of which the institution is so designated. This was done with the full concurrence of the Corporation, by whom that chapter of the Constitution was prepared and submitted to a committee of the Convention. Such is also exclusively the name given to the institution by the statute of the 25th of June, 1789, passed to carry into effect the fifth chapter of the Constitution.

But the name, with the supposed exclusive prerogative of a University, that of conferring honorary degrees, had been claimed for the College at a much earlier period. President Increase Mather, in his public address at Commencement, in 1692, after his return from England, with other remarks pertinent to the point, says, — “ The General Court of Massachusetts, the Governor, Council, and people of New England, have named and established Harvard College as a University (*academiam*), with authority to confer degrees, in the manner of the English Universities.” In the title-page to the *Magnalia*, published in 1702, the fourth book is said to be “ An Account of the University of Cambridge in New England.”

The general diplomas of the classes of 1752, 1764, 1775, and 1779 are preserved in the President's office. In all of these the caption runs “ *Senatus Academiæ Cantabrigiæ in Novanglia.*” In the latter portion of the diploma for 1764, the words “ *antedictæ Academiæ Harvardinæ*” occur casually ; and in the diploma for 1779, after the above-named caption, the Corporation are mentioned as “ *Præses et Socii Collegii Harvardini.*” The diplomas for 1752 and 1775 contain neither the words “ *Collegium Harvardinum,*” nor “ *Academia Harvardina.*” A draft of the diploma of Dr. Franklin for the degree of A. M., in 1753, and the diploma of John New for the same degree, in 1765, are preserved. They run in the name of “ *Academia Cantabrigiæ in Novanglia,*” without employing any other designation. The President

is not aware of any reason for thinking, that the generality of the diplomas of the last century, prior to 1780, differed from those preserved.

After the adoption of the Constitution, the caption of the diplomas was "Senatus Universitatis Harvardianæ Cantabrigiensis in Republicâ Massachusettensi," with the entire omission of "Collegium Harvardianum." This formula probably prevailed for honorary degrees till President Kirkland's time; and, having been adopted in the engraved blanks, has existed for all the degrees till the present year. In 1810, in the draft of the diploma prepared for President Dwight, which is preserved in Dr. Kirkland's handwriting, the form is "Senatus Universitatis Cantabrigiensis," and the Corporation are styled "Præses et Socii Universitatis Cantabrigiensis." It is probable that other honorary diplomas, issued before the adoption of an engraved form, ran in the same style; but of this the President has no knowledge.

In the diplomas of honorary degrees for the present year, the form of the caption is "Senatus Universitatis Cantabrigiensis Academicus," and the Corporation are styled "Præses et Socii Collegii Harvardiani."

It may be observed, in this connection, that a pamphlet officially published by the Corporation, in 1812, and containing the Charter of the College and the legislative acts supplementary thereto, is entitled "The Constitution of the University at Cambridge."

The laws, in the various editions down to 1820 inclusive, are called "The Laws of Harvard College"; but in the editions of 1825, 1826, and 1828, being all that have been published since the general revision of the first-named year, the language is "The Statutes and Laws of the University in Cambridge, Massachusetts." Such, also, was the title of the revision of the laws prepared and printed under the superintendence of President Quincy (but not published), in 1834, and such, with the correction of the particle, is the title of the late revision.

The blank form of acknowledgment for donations to the Library, engraved in President Kirkland's time, and still used, runs in the name of the Corporation of "the University in Cambridge"; and the paper bears date at "Harvard College." This mode of combining the use of both designations is, where the nature of the document admits it, entitled, in the opinion of the President, to general adoption.

The precise objects of the Corporation of 1780 in seeking, and of the Convention in granting, this formal recognition of the name of "University at Cambridge"; the difference between "college" and "university"; and the proper use to be made of the two designations, are questions which might furnish the subject of a discussion for which this is not the place. They are questions of academical curiosity and interest, but of little or no practical importance.

C. — See Page 12.

ABSTRACT OF THE FIFTH CHAPTER OF THE CONSTITUTION.

CHAPTER V.

THE UNIVERSITY AT CAMBRIDGE, AND ENCOURAGEMENT OF LITERATURE, &c.

SECTION I.

The University.

ART. I. WHEREAS our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid the foundation of HARVARD COLLEGE, *in which university* many persons of great eminence have, by the blessing of GOD, been initiated in those arts and sciences which qualified them for public employments, &c.,—it is declared, that the PRESIDENT AND FELLOWS OF HARVARD COLLEGE, in their corporate capacity, and their successors, &c., shall have, &c., all the powers, &c., which they now have, or are entitled to have, &c., and the same are hereby ratified and confirmed unto them, the said president and fellows of HARVARD COLLEGE, and to their successors, &c., forever.

II. And whereas there have been, at sundry times, by divers persons, gifts, grants, devises, &c., heretofore made, either to *Harvard College in Cambridge, in New England*, or to *the president and fellows of Harvard College*, or to the said college, *by some other description*, under several charters successively; it is declared, that all the said gifts, &c., are hereby forever confirmed unto the president and fellows of HARVARD COLLEGE, and to their

successors, in the capacity aforesaid, according to the true intent and meaning of the donor or donors, &c.

III. And whereas by an act of the general court of the colony of Massachusetts Bay, passed in the year one thousand six hundred and forty-two, the governor and deputy governor, &c., and all the magistrates, &c., were, with the president, and a number of the clergy, &c., constituted the overseers of HARVARD COLLEGE ; and it being necessary, in this new constitution of government, to ascertain who shall be deemed successors to the said governor, &c. ; it is declared, that the governor, lieutenant governor, council, and senate of this Commonwealth, are, and shall be deemed, their successors ; who, with the president of HARVARD COLLEGE, for the time being, together with the ministers of the congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury, and Dorchester, mentioned in the said act, shall be, and hereby are, vested with all the powers, &c., appertaining to the overseers of HARVARD COLLEGE ; provided, that nothing herein shall be construed to prevent the legislature of this Commonwealth from making such alterations in the government of *the said university*, as shall be conducive to its advantage, &c.

SECTION II.

The Encouragement of Literature, &c.

WISDOM and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties, &c. ; it shall be the duty of legislatures and magistrates, in all future periods of this Commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them ; especially *the university at Cambridge*, public schools, and grammar schools in the towns, &c.

